VIRGINIA LAW REVIEW

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FOREWORD.—With this number the VIRGINIA LAW REVIEW begins its second volume. The kind encouragement received from lawyers in every part of the country has led the board to believe that no mistake was made in not confining the work to the local law of Virginia. The policy of commenting on the recent decisions of all the higher courts of this country will therefore be continued. The same relative proportions between the several departments will be preserved. The Notes and Recent Decisions will be prepared by the members of the board—undergraduates of the Law School —and the leading articles entirely by members of the Bar. The high standard of excellence of the leading articles of Volume I, and the generous support already extended this year by the Bench and the Bar assure the success of this department. It is to the contributors of leading articles that any success attained by the VIRGINIA LAW REVIEW should be attributed.

Mr. Bocock has been compelled to resign from the board on account of ill health, and Mr. All, having been elected president in his stead, will have charge of the future numbers of this volume.

THE LAW SCHOOL.—At the date of this publication the enrollment in the Law School is 256, a slight increase over last year at

this date. By classes the enrollment is: First year, 104; second year, 96; third year, 56.

The following table indicates the enrollment by states:

Alabama	4	Mississippi	5
Arizona	1	Missouri	5
Arkansas	6	Nevada	1
California	4	New Jersey	6
Colorado	1	New York	6
Connecticut	1	North Carolina	6
District of Columbia	4	Ohio	1
Florida	10	Oklahoma	1
Georgia	11	Pennsylvania	2
Idaho	1	South Carolina	6
Indiana	1	Tennessee	3
Kansas	1	Texas	11
Kentucky	9	Virginia	125
Louisiana	1	Washington	1
Maryland	8	Wisconsin	1
Massachusetts	1	West Virginia	12
		Total	256

There have been no material alterations of the curriculum, and no changes in the Faculty.

LIABILITY OF COMMON CARRIERS FOR LATENT DEFECTS IN APPLIANCES DUE TO IMPERFECT MANUFACTURE.—This is a subject that has given the courts considerable difficulty and one on which they are not altogether in harmony. The resulting clash of judicial opinion has left the law upon the subject in a state of some doubt and uncertainty.

While a common carrier impliedly contracts with passengers that he will adopt a reasonably safe and convenient mode of transportation, the liability of the former for injuries arising from the employment of defective and inadequate instrumentalities has its source in a sound and enlightened public policy. As regards the degree of care owed the passenger by the carrier, a review of the numerous cases in which the question has arisen would seem to make the most accurate and adequate statement of it to be that the relation exacts from the carrier the very highest degree of human skill, diligence and foresight that comports with the practical operation and conduct of the business, and is practicable under the circumstances of the particular case.[1] The question now arises, is

[1] Thorson *v.* Groton & S. St. Ry. Co., 85 Conn. 11, 81 Atl. 1024; Sawin *v.* Connecticut Valley St. Ry. Co., 213 Mass. 103, 99 N. E. 952; St. Louis, I. M. & S. Ry. Co. *v.* Platt (Ark.), 157 S. W. 385; Colorado Springs & Interurban Ry. Co. *v.* Allen (Col.), 135 Pac. 790; 2 Hutchinson, Carriers (3rd Ed.), 1002.